

# HOUSE BILL No. 1809

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-6-3-3; IC 15-5-1.1-8; IC 25-1; IC 25-10-1; IC 25-14-1; IC 25-19-1; IC 25-20-1-17.1; IC 25-20.5-1-26; IC 25-22.5; IC 25-23-1; IC 25-24-1; IC 25-26; IC 25-29; IC 25-32-1; IC 25-33-1-3; IC 25-34.5-3-2; IC 25-35.6-2-2; IC 34-18-9-4; IC 34-30-15.

**Synopsis:** Health professions investigation division. Establishes the health professions investigation division (division) within the health professions bureau (bureau). Provides that the division is responsible for the investigation of complaints filed against persons in regulated health occupations that are administered by the bureau. (Current law provides that the division of consumer protection, office of the attorney general, is responsible for these investigations.) Establishes duties and procedures for investigations. Establishes the health professions investigation fund to finance the operation of the division, consisting of fees, civil penalties, and assessments collected by the board of a regulated occupation or the bureau. Amends references to prior investigation statutes and the deposit of fees, civil penalties, and assessments. Provides that the attorney general retains responsibility for the investigation of all complaints filed before November 1, 2005, and that the division is responsible for complaints filed beginning November 1, 2005. Makes conforming amendments.

**Effective:** Upon passage; July 1, 2005.

**Brown C, Brown T**

January 19, 2005, read first time and referred to Committee on Public Health.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1809

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 4-6-3-3 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2005]: Sec. 3. If the attorney general has  
3 reasonable cause to believe that a person may be in possession,  
4 custody, or control of documentary material, or may have knowledge  
5 of a fact that is relevant to an investigation conducted to determine if  
6 a person is or has been engaged in a violation of IC 4-6-9, IC 4-6-10,  
7 IC 13-14-10, IC 13-14-12, IC 13-24-2, IC 13-30-4, IC 13-30-5,  
8 IC 13-30-6, IC 13-30-8, IC 23-7-8, IC 24-1-2, IC 24-5-0.5, IC 24-5-7,  
9 IC 24-5-8, IC 24-9, IC 25-1-7, **IC 25-1-7.5**, IC 32-34-1, or any other  
10 statute enforced by the attorney general, only the attorney general may  
11 issue in writing, and cause to be served upon the person or the person's  
12 representative or agent, an investigative demand that requires that the  
13 person served do any combination of the following:  
14       (1) Produce the documentary material for inspection and copying  
15       or reproduction.  
16       (2) Answer under oath and in writing written interrogatories.  
17       (3) Appear and testify under oath before the attorney general or



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the attorney general's duly authorized representative.

SECTION 2. IC 15-5-1.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The powers enumerated in this section are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

(b) The board is vested with the sole authority to determine the qualifications of applicants for:

(1) a license to practice veterinary medicine in this state; and

(2) registration to practice as a veterinary technician in this state.

(c) The board is vested with the sole authority to issue, renew, deny, suspend, or revoke:

(1) licenses and special permits to practice veterinary medicine in this state; and

(2) registrations or special permits to practice as a veterinary technician in this state.

(d) The board is vested with sole authority to discipline licensed veterinarians and registered veterinary technicians consistent with the provisions of this chapter and the rules adopted thereunder.

(e) The board is vested with the sole authority to determine the following:

(1) The examinations applicants are required to take.

(2) The subjects to be covered.

(3) The places where and the dates on which examinations will be given.

(4) The deadlines for applying to take the examinations.

(f) The board may establish by rule minimum standards of continuing education for the renewal of licenses to practice veterinary medicine and for the renewal of registrations as a veterinary technician. The rules adopted under this subsection must comply with IC 25-1-4-3.

(g) The board shall adopt by rule standards of professional conduct for the competent practice of veterinary medicine and the competent practice of a veterinary technician.

(h) Subject to ~~IC 25-1-7~~, **IC 25-1-7.5**, the board may conduct investigations for the purpose of discovering violations of this chapter:

(1) by licensed veterinarians or registered veterinary technicians; or

(2) by persons practicing veterinary medicine without a license or persons practicing as a registered veterinary technician without being registered.

(i) The board may inspect, without notice and during normal working hours, veterinary hospitals, clinics, or other establishments to

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determine if such places meet the board's standards of cleanliness and sanitation as defined by the board's rules.

(j) The board may hold hearings on all matters properly brought before it and in connection thereto may administer oaths, receive evidence, make findings, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. The board may designate one (1) or more of its members to serve as its hearing officer.

(k) The board may bring proceedings in the courts for the enforcement of this chapter or any rules made pursuant thereto.

(l) The board shall have fees collected for examining and licensing veterinarians and for examining and registering veterinary technicians.

(m) The board may enter into reciprocal agreements with its counterpart boards in other states and may effect such agreements by rule.

(n) The board may appoint from its own membership one (1) or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

(o) The bureau shall provide the board with full or part-time professional and clerical personnel and supplies including printed matter and equipment necessary to effectuate the provisions of this chapter.

(p) The board may, in the manner prescribed by IC 4-22-2, adopt such reasonable rules as it deems necessary for the performance of its duties, consistent with this chapter and other applicable laws of this state. Any rule adopted under, and applicable to, the prior veterinarian and veterinary technician licensing and registration laws (IC 15-5-1 and IC 15-5-1.5) continues in effect under this chapter until rescinded or amended by the board.

(q) The board may adopt an appropriate seal which may be affixed to all license and registration certificates and other official documents of the board.

SECTION 3. IC 25-1-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter:

"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

"Bureau" means the bureau created by section 3 of this chapter.

**"Division" means the health professions investigation division established by IC 25-1-7.5-8.**

SECTION 4. IC 25-1-5-4 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The bureau shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of:

(1) the boards, including: ~~but not limited to:~~

~~(1) (A)~~ notice of board meetings and other communication services;

~~(2) (B)~~ record keeping of board meetings, proceedings, and actions;

~~(3) (C)~~ record keeping of all persons licensed, regulated, or certified by a board;

~~(4) (D)~~ administration of examinations; and

~~(5) (E)~~ administration of license or certificate issuance or renewal; **and**

**(2) the division.**

(b) In addition the bureau:

(1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize bureau staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and

(3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the bureau shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the bureau, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the bureau, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the bureau shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The bureau may require an applicant for license renewal to submit evidence proving that:

(1) the applicant continues to meet the minimum requirements for licensure; and

(2) the applicant is not in violation of:

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- (A) the statute regulating the applicant's profession; or  
 (B) rules adopted by the board regulating the applicant's profession.

(f) The bureau shall process an application for renewal of a license or certificate:

- (1) not later than ten (10) days after the bureau receives all required forms and evidence; or  
 (2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the bureau with all required forms and evidence.

This subsection does not require the bureau to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The bureau may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the bureau that the applicant for renewal may have committed an act for which the applicant may be disciplined, **or if the division is investigating a complaint filed under IC 25-1-7.5-12.** If the bureau delays issuing a license renewal, the bureau shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

- (1) Deny the license renewal following a personal appearance by the applicant before the board.  
 (2) Issue the license renewal upon satisfaction of all other conditions for renewal.  
 (3) Issue the license renewal and file a complaint under ~~IC 25-1-7.5-12~~ **IC 25-1-7.5.**  
 (4) Request the ~~office of the attorney general~~ **division** to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of ~~IC 25-1-9-4~~ **IC 25-1-9-4(a)** by the applicant.  
 (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under ~~IC 25-1-9-9~~ **IC 25-1-9-9(a)(5).**

(h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2), or (g)(3).

(i) If the board makes a request under subsection (g)(4), the ~~office of the attorney general~~ **division** shall conduct an investigation. Upon completion of the investigation, the ~~office of the attorney general~~

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**division** may file a petition alleging that the applicant has engaged in activity described in ~~IC 25-1-9-4~~; **IC 25-1-9-4(a)**. If the ~~office of the attorney general~~ **division** files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated ~~IC 25-1-9-4~~; **IC 25-1-9-4(a)**, the board may impose sanctions under ~~IC 25-1-9-9~~; **IC 25-1-9-9(a)**. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under ~~IC 25-1-9-10~~; **IC 25-1-9-10(a)**.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the bureau may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the bureau must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

SECTION 5. IC 25-1-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The bureau shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the bureau or the executive director's designee.

(d) The executive director is the chief fiscal officer of the bureau and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the bureau are subject to IC 4-15-1.8 but

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are not under IC 4-15-2. **Except as provided in IC 25-1-7.5-8**, the executive director may appoint not ~~to exceed more than~~ three (3) deputy directors, who must be qualified to work for the boards which are served by the bureau.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the **possession of the** executive ~~director's hands~~ **director** or under the executive director's control. The executive director may ~~likewise~~ cause ~~any~~ **an** employee of the bureau to execute a bond if ~~that the~~ employee receives, disburses, or in any way handles funds or property of the bureau. The costs of ~~any~~ **such** the bonds shall be paid from funds available to the bureau.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the bureau and the boards it serves, including adoption of four (4) year license or certificate renewal cycles ~~wherever~~ **whenever** feasible.

(g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested ~~to do so~~ by the board or committee.

(h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees.

SECTION 6. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects

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- 1 (IC 25-4-1-2).
- 2 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 3 (4) State board of barber examiners (IC 25-7-5-1).
- 4 (5) State boxing commission (IC 25-9-1).
- 5 ~~(6) Board of chiropractic examiners (IC 25-10-1).~~
- 6 ~~(7) (6) State board of cosmetology examiners (IC 25-8-3-1).~~
- 7 ~~(8) State board of dentistry (IC 25-14-1).~~
- 8 ~~(9) (7) State board of funeral and cemetery service (IC 25-15-9).~~
- 9 ~~(10) (8) State board of registration for professional engineers~~  
10 ~~(IC 25-31-1-3).~~
- 11 ~~(11) Indiana state board of health facility administrators (IC~~  
12 ~~25-19-1).~~
- 13 ~~(12) Medical licensing board of Indiana (IC 25-22.5-2).~~
- 14 ~~(13) Indiana state board of nursing (IC 25-23-1).~~
- 15 ~~(14) Indiana optometry board (IC 25-24).~~
- 16 ~~(15) Indiana board of pharmacy (IC 25-26).~~
- 17 ~~(16) (9) Indiana plumbing commission (IC 25-28.5-1-3).~~
- 18 ~~(17) Board of podiatric medicine (IC 25-29-2-1).~~
- 19 ~~(18) Board of environmental health specialists (IC 25-32-1).~~
- 20 ~~(19) State psychology board (IC 25-33).~~
- 21 ~~(20) Speech-language pathology and audiology board (IC~~  
22 ~~25-35.6-2).~~
- 23 ~~(21) (10) Indiana real estate commission (IC 25-34.1-2).~~
- 24 ~~(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).~~
- 25 ~~(23) (11) Department of natural resources for purposes of~~  
26 ~~licensing water well drillers under IC 25-39-3.~~
- 27 ~~(24) Respiratory care committee (IC 25-34.5).~~
- 28 ~~(25) (12) Private detectives licensing board (IC 25-30-1-5.1).~~
- 29 ~~(26) Occupational therapy committee (IC 25-23.5).~~
- 30 ~~(27) Social worker, marriage and family therapist, and mental~~  
31 ~~health counselor board (IC 25-23.6).~~
- 32 ~~(28) (13) Real estate appraiser licensure and certification board~~  
33 ~~(IC 25-34.1-8).~~
- 34 ~~(29) (14) State board of registration for land surveyors~~  
35 ~~(IC 25-21.5-2-1).~~
- 36 ~~(30) Physician assistant committee (IC 25-27.5).~~
- 37 ~~(31) Indiana athletic trainers board (IC 25-5.1-2-1).~~
- 38 ~~(32) Indiana dietitians certification board (IC 25-14.5-2-1).~~
- 39 ~~(33) Indiana hypnotist committee (IC 25-20.5-1-7).~~
- 40 ~~(34) Indiana physical therapy committee (IC 25-27).~~
- 41 ~~(35) (15) Manufactured home installer licensing board~~  
42 ~~(IC 25-23.7).~~

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~~(36)~~ (16) Home inspectors licensing board (IC 25-20.2-3-1).

~~(37)~~ (17) Any other occupational or professional agency created after June 30, 1981.

SECTION 7. IC 25-1-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by

~~(A)~~ a member of any of the boards listed in section 1 of this chapter; or

~~(B)~~ the health professions bureau; or

(2) a complaint filed under IC 25-1-5-4.

(b) The director has the following duties and powers:

(1) ~~He~~ **The director** shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation, that board ~~thereby~~ acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) ~~He~~ **The director** shall, through any reasonable means, notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) ~~He~~ **The director** shall report any pertinent information regarding the status of the complaint to the complainant.

(4) ~~He~~ **The director** may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) ~~He~~ **The director** has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce ~~any such~~ a subpoena by the director.

SECTION 8. IC 25-1-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) This section does not apply to:

(1) a complaint filed by

~~(A)~~ a member of any of the boards listed in section 1 of this chapter; or

~~(B)~~ the health professions bureau; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files ~~his~~ **the director's**

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1 recommendations with the attorney general, the board files with the  
 2 director a statement signed by the licensee and the complainant that the  
 3 complaint has been resolved, the director shall not take further action.  
 4 For a period of thirty (30) days after the director has notified the board  
 5 and the licensee that a complaint has been filed, the division shall not  
 6 conduct any investigation or take any action whatsoever, unless  
 7 requested by the board. If, during the thirty (30) days, the board  
 8 requests an extension of the thirty (30) day time period, the director  
 9 shall grant it for a period not exceeding an additional twenty (20) days.  
 10 If at any time during the thirty (30) day period or an extension thereof,  
 11 the board notifies the director of its intention not to proceed further to  
 12 resolve the complaint, the division may proceed immediately under this  
 13 chapter. For every purpose of this section, a board may designate a  
 14 board member or staff member to act on behalf of or in the name of the  
 15 board.

16 SECTION 9. IC 25-1-7-10 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) All complaints  
 18 and information pertaining to the complaints shall be held in strict  
 19 confidence until the attorney general files notice with the board of the  
 20 attorney general's intent to prosecute the licensee.

21 (b) A person in the employ of the office of attorney general or any  
 22 of the boards, or any person not a party to the complaint, may not  
 23 disclose or further a disclosure of information concerning the  
 24 complaint unless the disclosure is required:

25 (1) under law; or

26 (2) for the advancement of an investigation.

27 (c) ~~Notwithstanding subsections (a) and (b); under IC 25-23.2 the~~  
 28 ~~state board of nursing may disclose to the coordinated licensure~~  
 29 ~~information system (as defined by IC 25-23.2-1-4) complaints and~~  
 30 ~~information concerning complaints that the board determines to be~~  
 31 ~~current significant investigative information (as defined by~~  
 32 ~~IC 25-23.2-1-5).~~

33 SECTION 10. IC 25-1-7.5 IS ADDED TO THE INDIANA CODE  
 34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2005]:

36 **Chapter 7.5. Investigation and Prosecution of Complaints**  
 37 **Concerning Regulated Health Professions**

38 **Sec. 1. As used in this chapter, "board" refers to an appropriate**  
 39 **agency listed in section 7 of this chapter.**

40 **Sec. 2. As used in this chapter, "bureau" refers to the health**  
 41 **professions bureau established by IC 25-1-5-3(a).**

42 **Sec. 3. As used in this chapter, "director" refers to the director**

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of the health professions investigation division.

Sec. 4. As used in this chapter, "division" refers to the health professions investigation division established by section 8 of this chapter.

Sec. 5. As used in this chapter, "licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this chapter; and
- (2) the subject of a complaint filed with the division.

Sec. 6. As used in this chapter, "person" means an individual, a partnership, a limited liability company, or a corporation.

Sec. 7. As used in this chapter, "regulated occupation" means an occupation in which an individual is licensed, certified, or registered by one (1) of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24-1).
- (7) Indiana board of pharmacy (IC 25-26-13).
- (8) Board of podiatric medicine (IC 25-29-2).
- (9) Board of environmental health specialists (IC 25-32-1).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33-1).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Indiana physical therapy committee (IC 25-27-1).
- (14) Respiratory care committee (IC 25-34.5-2).
- (15) Occupational therapy committee (IC 25-23.5-2).
- (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2).
- (17) Physician assistant committee (IC 25-27.5-3).
- (18) Indiana athletic trainers board (IC 25-5.1-2).
- (19) Indiana dietitians certification board (IC 25-14.5-2).
- (20) Indiana hypnotist committee (IC 25-20.5-1).

Sec. 8. (a) The health professions investigation division is established within the bureau.

(b) The executive director of the bureau shall appoint a director and deputy directors necessary for the division. The director and

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1 deputy directors must be attorneys licensed in Indiana.

2 (c) With the approval of the executive director of the bureau,  
3 the director shall hire investigators to work in the division, who  
4 may not provide staffing or administrative functions to a board.

5 (d) The director may delegate duties assigned to the director  
6 under this chapter to a deputy director.

7 Sec. 9. (a) The division is responsible for the investigation of  
8 complaints concerning licensees.

9 (b) The office of the attorney general is not prohibited from  
10 conducting an investigation of a licensee who:

11 (1) is currently under investigation; or

12 (2) has been investigated;

13 by the division.

14 Sec. 10. Each board shall designate one (1) member of the board  
15 to serve as a liaison with the division.

16 Sec. 11. The director has the following duties and powers:

17 (1) To make an initial determination as to the merit of each  
18 complaint and to determine whether to initiate an  
19 investigation against a licensee or an unlicensed person who  
20 is practicing a regulated profession or using a title without a  
21 credential required for that profession.

22 (2) To contract with health care professionals or other experts  
23 to assist in an investigation.

24 (3) To notify the licensee:

25 (A) through reasonable means of the nature and  
26 ramifications of the complaint; and

27 (B) of the duty of the board to attempt to resolve the  
28 complaint through negotiation.

29 (4) To report any pertinent information regarding the status  
30 of the complaint to the complainant.

31 (5) To subpoena witnesses and compel the production of  
32 records and documents to further an investigation under this  
33 chapter. The circuit or superior court located in a county  
34 where the director issues a subpoena shall enforce the  
35 subpoena.

36 (6) To assign duties under this section to employees in the  
37 division.

38 Sec. 12. (a) A complaint:

39 (1) may be filed by any person, including a member of a  
40 board, but may not be filed by an employee of the division  
41 acting in the employee's official capacity;

42 (2) must be written and signed by the complainant; and

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(3) must be filed with the director;  
to be valid. A forwarding of the name of a health care provider's  
fitness to practice under IC 34-18-9-4 is a complaint.

(b) Except as needed to proceed with an investigation or as  
provided in this chapter, a complaint filed against a licensee is  
confidential until charges are filed under section 18 of this chapter.

(c) A person in the employ of the office of the attorney general  
or a board, or a person not a party to the complaint, may not  
disclose or further a disclosure of information concerning the  
complaint unless the disclosure is required:

(1) under law; or

(2) for the advancement of an investigation.

(d) Notwithstanding subsections (b) and (c), under IC 25-23.2  
the state board of nursing may disclose to the coordinated licensure  
information system (as defined in IC 25-23.2-1-4) complaints and  
information concerning complaints that the board determines to be  
current significant investigative information (as defined in  
IC 25-23.2-1-5).

Sec. 13. The division shall maintain a confidential computer  
data base that includes the following:

(1) Each complaint filed under this chapter, which shall  
include the name of the complainant and the licensee or  
unlicensed individual who is alleged to be practicing a  
regulated occupation.

(2) Investigatory action taken on each complaint.

(3) The determination made by the director under section 15  
of this chapter and the disposition of the complaint.

(4) Other information required by the director.

Sec. 14. The division may request and examine the following  
concerning an individual against whom a complaint is filed under  
section 12 of this chapter:

(1) An application or report that is submitted to a board.

(2) A limited criminal history under IC 10-13-3-27(b)(2)(B).

Sec. 15. (a) If the director determines a complaint has merit, the  
director shall do the following:

(1) Assign an investigator to begin an investigation.

(2) If the complaint is against a licensee, submit a notice to the  
board having jurisdiction over the licensee's regulated  
occupation stating that:

(A) a complaint has been filed; and

(B) the director has found that the complaint has merit.

(b) If the director determines that a complaint against a licensee

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1 does not have merit, a synopsis of the complaint and why merit was  
 2 not found must be provided to the liaison from the licensee's board.  
 3 The name of the licensee may not be included on the synopsis.

4 Sec. 16. (a) If a board files a statement with the director signed  
 5 by the licensee and the complainant that the complaint has been  
 6 resolved, the director shall take no further action.

7 (b) A board may file a notice with the director to postpone  
 8 investigation of a licensee for a specific period of time. The board  
 9 may file a subsequent notice to:

- 10 (1) extend the postponement of the investigation; or
- 11 (2) proceed with the investigation.

12 Sec. 17. (a) If a statement of resolution has not been filed by the  
 13 board under section 16 of this chapter, the director shall consult  
 14 with and present information from the investigation to the attorney  
 15 general and the appropriate board's liaison after conducting an  
 16 initial investigation before making a presentation to the board.

17 (b) After the consultation in subsection (a), the director or the  
 18 director's designee shall present the information from the  
 19 complaint and investigation of a licensee to the board. The board  
 20 shall recommend one (1) or more of the following by roll call vote:

- 21 (1) That the attorney general prosecute the matter at a
- 22 hearing before the board.
- 23 (2) That the board proceed with informal negotiation with the
- 24 licensee.
- 25 (3) That the division further investigate the licensee and
- 26 report back to the board.
- 27 (4) That a summary suspension of the licensee's license is in
- 28 effect pending prosecution of the matter before the board.
- 29 (5) That no disciplinary action be taken against the licensee.

30 (c) Upon receiving the board's recommendation, the attorney  
 31 general may prosecute the matter before the board.

32 (d) Notwithstanding subsection (b), if the board by a two-thirds  
 33 (2/3) vote of the appointed members requests prosecution, the  
 34 attorney general shall prosecute the matter.

35 Sec. 18. If the attorney general proceeds to prosecute a matter  
 36 under section 17(c) or 17(d) of this chapter the:

- 37 (1) attorney general must file charges against the licensee; and
- 38 (2) division shall transfer information collected from the
- 39 division's investigation of the licensee to the attorney general.

40 Sec. 19. (a) The board may designate any person as a hearing  
 41 officer to hear the matter before the board.

42 (b) At the hearing, the state, licensee, board, or hearing officer

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1 may call witnesses.

2       **Sec. 20.** If the director determines that an unlicensed person is  
3 practicing a regulated profession or using a title without a  
4 credential required for that profession, the director shall forward  
5 the complaint and information gathered by the division to the  
6 appropriate prosecuting attorney.

7       **Sec. 21. (a)** A board member may not participate in a hearing by  
8 the board if the board member:

- 9           (1) filed the complaint; or  
10          (2) participated in negotiations regarding the complaint.

11       **(b)** The board member is not disqualified from the board's final  
12 determination because the board member:

- 13           (1) was the hearing officer; or  
14          (2) determined the complaint and the information pertaining  
15 to the complaint was current significant investigative  
16 information (as defined by IC 25-23.2-1-5).

17       **Sec. 22.** This chapter does not limit the rights of the licensee or  
18 the state under IC 4-21.5.

19       **Sec. 23.** The division shall submit to each board an annual  
20 report that includes the following information concerning the  
21 regulated occupation specific to the board:

- 22           (1) The number of complaints filed with the division.  
23           (2) The number of cases currently under investigation with  
24 the division.  
25           (3) The number of cases closed by the division.  
26           (4) The number of cases resolved by the division.

27       **Sec. 24. (a)** The health professions investigation fund is  
28 established for the purpose of funding the salaries and expenses of  
29 the division to carry out the division's duties and responsibilities  
30 under this chapter. The fund shall be administered by the bureau.

31       **(b)** The expenses of administering the fund shall be paid from  
32 money in the fund. The fund consists of fees, civil penalties, and  
33 assessments collected by a board or the bureau.

34       **(c)** The treasurer of state shall invest the money in the fund not  
35 currently needed to meet the obligations of the fund in the same  
36 manner as other public funds may be invested. Interest that  
37 accrues from these investments shall be deposited in the fund.

38       **(d)** Money in the fund at the end of a fiscal year does not revert  
39 to the state general fund. However, if the amount of money in the  
40 fund at the end of a state fiscal biennium exceeds seven hundred  
41 fifty thousand dollars (\$750,000), the treasurer shall transfer the  
42 excess from the fund into the state general fund.

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(e) Money in the account is appropriated to the division for the purpose stated in subsection (a).

**Sec. 25. (a)** Notwithstanding any other law, except as provided in subsection (b), all fees, civil penalties, and assessments collected by a board or the bureau must be deposited in the health professions investigation fund.

**(b)** The fees, civil penalties, and assessments collected by a board or the bureau for the following accounts may not be deposited in the health professions investigation fund:

(1) The impaired nurses account (IC 25-23-1-34).

(2) The optometry school account (IC 25-24-2-3).

(3) The impaired pharmacists account (IC 25-26-13-30).

**Sec. 26. (a) If:**

(1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

**(b) If:**

(1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

**Sec. 27.** The division may adopt rules under IC 4-22-2 that are necessary to implement this chapter.

**SECTION 11.** IC 25-1-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

(1) Examination of applicants for licensure, registration, or certification.

(2) Issuance, renewal, or transfer of a license, registration, or certificate.

(3) Restoration of an expired license, registration, or certificate when such action is authorized by law.

(4) Issuance of licenses by reciprocity or endorsement for

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1 out-of-state applicants.

2 (5) Issuance of board or committee reciprocity or endorsements  
3 for practitioners licensed, certified, or registered in Indiana who  
4 apply to another state for a license.

5 No fee shall be less than ten dollars (\$10) unless the fee is collected  
6 under a rule adopted by the board which sets a fee for miscellaneous  
7 expenses incurred by the board on behalf of the practitioners the board  
8 regulates.

9 (b) Fees established by statute shall remain in effect until replaced  
10 by a new fee adopted by rule under this section.

11 (c) In no case shall the fees be less than are required to pay all of the  
12 costs, both direct and indirect, of the operation of the board.

13 (d) For the payment of fees, a board shall accept cash, a draft, a  
14 money order, a cashier's check, and a certified or other personal check.  
15 If a board receives an uncertified personal check for the payment of a  
16 fee and if the check does not clear the bank, the board may void the  
17 license, registration, or certificate for which the check was received.

18 (e) Unless designated by rule, a fee is not refundable.

19 (f) A board shall charge a fee of not more than ten dollars (\$10) for  
20 the issuance of a duplicate license, registration, or certificate.

21 **(g) Fees shall be deposited in accordance with IC 25-1-7.5-25.**

22 SECTION 12. IC 25-1-9-18 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) If the insurance  
24 commissioner forwards to the board the name of a practitioner under  
25 IC 34-18-9-4(a) (or IC 27-12-9-4(a) before its repeal), the board shall  
26 consider whether:

27 (1) the practitioner has become unfit to practice under section 4  
28 of this chapter; and

29 (2) a complaint should be filed under ~~IC 25-1-7-4.~~  
30 **IC 25-1-7.5-12.**

31 ~~(b) If the board determines that a complaint should be filed under~~  
32 ~~subsection (a), the board must report to the consumer protection~~  
33 ~~division whether the board will schedule the matter:~~

34 ~~(1) for informal negotiation under IC 25-1-7-6;~~

35 ~~(2) on the board's agenda for a vote requesting that the attorney~~  
36 ~~general prosecute the matter before the board under IC 25-1-7-7;~~  
37 ~~or~~

38 ~~(3) on the board's agenda for a vote on summary suspension of the~~  
39 ~~practitioner's license pending prosecution of the matter before the~~  
40 ~~board under IC 25-1-7-7.~~

41 ~~(c)~~ **(b)** A board may designate a board member or staff member to  
42 act on behalf of the board under this section.

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SECTION 13. IC 25-1-11-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9.5. ~~(a)~~ On receipt of a complaint or an information alleging that a ~~person licensed under this chapter~~ **practitioner** has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the board shall initiate ~~an investigation~~ **a complaint under IC 25-1-7.5-12** against the ~~person~~ **practitioner**.

~~(b)~~ Any complaint filed with the office of the attorney general alleging a violation of this chapter shall be referred to the board for summary review and for its general information and any authorized action at the time of the filing.

~~(c)~~ The board shall assign one ~~(1)~~ or more of its members to conduct a fact finding investigation as the board considers proper in relation to the complaint.

SECTION 14. IC 25-1-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out of state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

(1) renew; and

(2) complete the continuing education required by; the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

(1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7 or **IC 25-1-7.5**.

(2) **The practitioner's license, certificate, registration, or permit must expire** while the practitioner is out of state on active duty, ~~(A) the practitioner's license, certificate, registration, or permit must expire;~~ and ~~(B)~~ the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.

(3) The practitioner shall provide proof of out of state active duty by providing a copy of the practitioner's:

(A) discharge; or

(B) government movement orders;

to the agency, **board, commission, or committee** issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

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(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

(d) The agency, ~~or board,~~ **commission, or committee** that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, **board, commission, or committee** may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

SECTION 15. IC 25-10-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) There is created a board of chiropractic examiners. The board shall consist of seven (7) members appointed by the governor, not more than four (4) of whom may be affiliated with the same political party. Six (6) of the board members must be licensed under this chapter and must have had at least five (5) years of experience as a chiropractor prior to their appointment. One (1) member is to represent the general public and must: ~~be:~~

(1) ~~be~~ a resident of this state; and

(2) ~~in no way not be~~ associated with the profession of chiropractic other than as a consumer.

(b) All members shall be appointed for a term of three (3) years and serve until their successors are appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. Each appointed member shall serve for the unexpired term of the vacating member.

(c) The members of the board are entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Members are also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the members' duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) The members of the board shall organize by the election of a chairman and a vice chairman. ~~from among its membership.~~ The officers serve for a term of one (1) year. The board shall meet at least once each year and on other occasions as it considers necessary and advisable. A meeting of the board may be called by ~~its~~ **the** chairman or

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by a majority of the members on the board. Four (4) members of the board constitute a quorum for the transaction of business. All decisions are required to be made by a majority vote of the quorum.

(e) The bureau shall provide a secretary of the board and other personnel necessary for the proper performance of the board's duties and responsibilities under this chapter. The board, through the bureau, shall receive and account for all money collected under this chapter. ~~and pay the money to the treasurer of state to be deposited by the treasurer in the general fund of the state.~~

(f) The board may do the following:

(1) Establish reasonable application, examination, and renewal procedures for certification under this chapter.

(2) Use an examination under this chapter that is designed by the board, designed by another person, or designed in part by the board and in part by another person.

(3) Conduct in the manner prescribed by the board examinations of applicants for certification under this chapter. The board may conduct any part of the examinations through a person other than the bureau who is approved by the board. The bureau may conduct any part of the examinations under IC 25-1-5-4.

(4) Issue, deny, suspend, revoke, and renew certificates.

(5) Subject to ~~IC 25-1-7~~, **IC 25-1-7.5**, investigate and conduct hearings, upon complaint against individuals certified or not certified under this chapter, concerning alleged violation of this chapter with hearings to be conducted in accordance with IC 4-21.5.

(6) Initiate the prosecution and enjoinder of a person violating this chapter.

(7) Adopt rules necessary for the proper performance of the board's duties, in accordance with IC 4-22-2.

(8) Maintain a current list of individuals certified under this chapter.

(9) Establish a code of professional conduct.

(10) Adopt rules under IC 4-22-2 to allow chiropractors licensed under this chapter to delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column under section 14(c)(4) of this chapter.

(11) Adopt rules under IC 4-22-2 establishing standards for the registration and regulation of chiropractic management consultants, as defined by the board under IC 25-10-2.

(12) Set fees for the annual registration of a chiropractic management consultant under IC 25-10-2.

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(g) The board shall adopt rules establishing standards for the competent practice of the science of the chiropractic in accordance with IC 4-22-2.

(h) All expenses incurred in the administration of this chapter shall be paid from the state general fund upon appropriation being made in the manner provided by law for the making of appropriations.

SECTION 16. IC 25-10-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. ~~All fees collected under this chapter shall be deposited in the general fund of this state and shall be paid out only by warrant of the auditor of state, upon the treasurer of state.~~ All money appropriated to the board shall be used for the purpose of administering this chapter and may not be used for any other purposes.

SECTION 17. IC 25-14-1-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) Under IC 25-1-8 the board shall establish, under IC 25-13-1-5 and section 13 of this chapter, fees sufficient to implement IC 25-13 and IC 25-14.

(b) All money received by the board under this chapter shall be paid to the bureau which shall

(1) give a proper receipt for the same; and

(2) at the end of each month:

(A) report to the auditor of state the total amount received from all sources; and

(B) deposit the entire amount of such receipts with the state treasurer to be deposited by the treasurer in the general fund of the state.

**money received.** All Expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made therefor in the manner provided by law. ~~for making such appropriations.~~

SECTION 18. IC 25-14-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) The board is charged with the duty of administering and enforcing the laws pertaining to the practice of dentistry and of dental hygiene. The board may adopt and enforce rules for the administration and enforcement of this article in accordance with IC 4-22-2. The board shall adopt a code of professional conduct and shall adopt rules establishing standards for the competent practice of dentistry or dental hygiene. The board may adopt rules concerning assessment of costs in disciplinary proceedings before the board.

(b) Complaints against persons licensed under this article or IC 25-13 are subject to ~~IC 25-1-7~~. **IC 25-1-7.5.** The board may conduct

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hearings concerning these complaints in accordance with IC 4-21.5.

SECTION 19. IC 25-14-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. Proceedings for disciplinary action against a holder of a license to practice dentistry or dental hygiene in Indiana shall be had in accordance with ~~IC 25-1-7~~ **IC 25-1-7.5** and IC 4-21.5.

SECTION 20. IC 25-19-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The Indiana health facilities council, pursuant to authority provided by IC 16-28, has by rule ~~duly promulgated~~, classified health facilities into comprehensive health facilities and residential health facilities. The fee for a health facility administrator's license in either classification shall be set by the board under section 8 of this chapter.

(b) ~~Such fee~~ **Fees** and ~~application~~ **applications** shall be submitted to the board. ~~and The board shall transmit all such funds so received to the treasurer of state health professions bureau established by IC 25-1-5-3 to be deposited by him in the general health professions investigation fund of the state established by IC 25-1-7.5-24.~~ All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made ~~therefor~~ in the manner provided by law for making such appropriations.

(c) The administrator of a comprehensive care facility must have a comprehensive care license issued by the board in accordance with rules adopted under section 8 of this chapter.

SECTION 21. IC 25-19-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. The board shall do the following:

(1) Adopt rules establishing standards for the competent practice of a health facility administrator.

(2) Develop and apply appropriate techniques, including examination and investigations, for determining whether an individual meets the standards.

(3) Issue licenses to individuals determined after application of the appropriate criteria to meet the standards, and ~~for cause~~, after due notice and hearing, impose sanctions **for cause** under IC 25-1-9, including:

(A) placing the licensee on probation; and

(B) revoking or suspending licenses previously issued by the board;

in any case where the individual holding the license is determined substantially to have failed to conform to the requirements of the standards.

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(4) Establish and carry out the procedures designed to ensure that individuals licensed as health facility administrators will, during any period that they serve, ~~as such~~, comply with the requirements of the standards.

(5) Subject to ~~IC 25-1-7~~, **IC 25-1-7.5**, receive, investigate, and take appropriate action under IC 25-1-9, **with respect to**, and including probation, suspension, or ~~the~~ revocation of a license if ~~necessary~~ after due notice and hearing ~~and~~ for cause, **any with respect to a** charge or complaint filed with the board ~~to the effect~~ that ~~any an~~ individual licensed as a health facility administrator has failed to comply with the requirements of the standards.

(6) Conduct a continuing study and investigation of:

(A) health facilities and administrators of health facilities ~~in the state~~ to improve the standards imposed for the licensing of the administrators; and ~~of~~

(B) procedures and methods for the enforcement of the standards with respect to licensed health facility administrators.

(7) Conduct, or cause to be conducted, one (1) or more courses of instruction and training sufficient to meet the requirements of this chapter and ~~shall~~ make provisions for the courses and their accessibility to residents of this state unless it finds and approves a sufficient number of courses conducted by others within this state. The board may approve courses conducted in or outside this state sufficient to meet the education and training requirements of this chapter.

(8) Take other actions, not inconsistent with law, including:

(A) establishing and approving requirements for continuing professional education for licensure renewal;

(B) making provisions for accepting and disbursing funds for educational purposes, as may be necessary to enable the state to meet the requirements set forth in Section 1908 of the Social Security Act (42 U.S.C. 1396g), the federal regulations adopted under that law, and other pertinent federal authority; and

(C) designing any other action to improve the professional competence of licensees.

SECTION 22. IC 25-20-1-17.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.1. (a) A complaint against a person registered or temporarily registered under this chapter is subject to ~~IC 25-1-7~~. **IC 25-1-7.5**.

(b) The board may impose sanctions under IC 25-1-9 against a

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1 person registered or temporarily registered under this chapter.

2 (c) An action taken by the board under this section must be  
3 approved by a majority of the quorum.

4 SECTION 23. IC 25-20.5-1-26 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) If an individual  
6 violates this chapter, **subject to IC 25-1-7.5-17**, the attorney general,  
7 the committee or the prosecuting attorney of the county in which an  
8 individual violates this chapter may maintain an action in the name of  
9 the state to enjoin the individual from continuing in violation of this  
10 chapter.

11 (b) An individual who is enjoined and who violates the injunction  
12 shall be punished for contempt of court.

13 (c) An injunction issued under this section does not relieve a  
14 individual person from criminal prosecution but is in addition to any  
15 remedy provided under criminal law.

16 SECTION 24. IC 25-22.5-2-5 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The funds obtained  
18 from registration and penalty fees ~~shall, upon receipt thereof, must be~~  
19 accounted for and paid over by the ~~service~~ bureau to the ~~treasurer of~~  
20 ~~state and be placed in the general health professions investigation~~  
21 ~~fund of the state; established by IC 25-1-7.5-24.~~ The expenses of the  
22 board shall be paid from the general fund upon appropriation being  
23 made ~~therefor~~ in the manner required by law for the making of such  
24 appropriations. The amount to be expended by the board shall not  
25 exceed the amount collected by the board from all sources.

26 SECTION 25. IC 25-22.5-6-3 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The executive  
28 director and staff of the ~~health professions service~~ bureau, counsel,  
29 investigators, hearing officers, and the board members are immune  
30 from civil liability for damages for conduct within the scope and  
31 arising out of the performance of their duties.

32 SECTION 26. IC 25-23-1-16.1 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16.1. (a) A license to  
34 practice as a registered nurse expires on October 31 in each  
35 odd-numbered year. Failure to renew the license on or before the  
36 expiration date will automatically render the license invalid without  
37 any action by the board.

38 (b) A license to practice as a licensed practical nurse expires on  
39 October 31 in each even-numbered year. Failure to renew the license  
40 on or before the expiration date will automatically render the license  
41 invalid without any action by the board.

42 (c) The procedures and fee for renewal shall be set by the board.

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(d) **In accordance with IC 25-1-7.5-25**, at the time of license renewal, ~~each a~~ registered nurse and ~~each a~~ licensed practical nurse shall pay a renewal fee, a portion of which shall be for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) Sixteen percent (16%) of the license renewal fee per license renewed under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the health professions bureau.

SECTION 27. IC 25-23-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. It shall be the duty of the attorney general to represent the board in any court in which an action may be filed for the review of an order of the board ~~The attorney-general may, in accordance with IC 25-1-7.5-18. At his the discretion call to his assistance in such action; of the attorney general,~~ the prosecuting attorney of the county in which ~~such the~~ action is filed **may be contacted for assistance.**

SECTION 28. IC 25-24-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. Each member of the board may receive:

(1) as compensation, a **minimum** salary per diem **provided by IC 4-10-11-2.1(b)** for each day actually engaged in the duties of ~~his the~~ office; and

(2) necessary travel expenses **as provided under IC 4-13-1-4** incurred in attending the meetings of the board in accordance with travel policies and procedures established by the **Indiana** department of administration and **approved by** the ~~state~~ budget agency.

All expenses shall be paid from the general fund upon appropriation being made ~~therefor~~ in the manner provided by law for the making of such appropriations. All fees and assessments received under ~~the provisions of this chapter shall must~~ be deposited ~~with the treasurer of the state of Indiana, and be deposited by him in the general health professions investigation fund. of the state.~~ The treasurer shall pay the per diem expenses ~~as provided herein~~ only on the itemized verified statement of the **entitled** person. ~~entitled thereto.~~ In accordance with IC 25-1-5, ~~said the~~ board is expressly authorized to use any part of ~~said the~~ appropriated funds available for the purpose of assisting in prosecuting ~~any a~~ person violating ~~any of~~ the provisions of this chapter,

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or for the purpose of enforcing by legal action ~~any of~~ the provisions of this chapter.

SECTION 29. IC 25-24-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) ~~Whenever~~ **If** it appears to the board that ~~any a person or persons are~~ **is** engaged in the illegal practice of optometry, ~~as defined by this chapter;~~ or that ~~any a person or persons are~~ **is** engaged in the practice of optometry without a license, ~~as required by this chapter;~~ or that ~~any a person or persons are~~ **is** engaged in the practice of optometry in violation of this chapter, then the board, may, in addition to any other remedies provided for in this chapter **and subject to IC 25-1-7.5,** bring an action in the name of the state, on ~~the~~ relation of the board against ~~such the~~ person, ~~or persons;~~ or against ~~any other another~~ person ~~or persons~~ concerned in or ~~in any way~~ participating in ~~such the~~ illegal practice of optometry, ~~as defined by this chapter;~~ or against ~~any a person or persons~~ engaged in the practice of optometry without a license, ~~as required by this chapter;~~ or against ~~any a person or persons~~ engaged in the practice of optometry in violation of this chapter, to enjoin ~~such the~~ person: ~~or persons;~~ or ~~such other person or persons:~~

- (1) from continuing the illegal practice of optometry as defined by this chapter;
- (2) from engaging in the practice of optometry without a license as required by this chapter;
- (3) from engaging in the practice of optometry in violation of this chapter; or
- (4) from doing any other act ~~or acts~~ in furtherance. ~~thereof.~~

(b) In an action under subsection (a), a judgment may be entered awarding ~~such the~~ injunction. ~~as may be proper.~~

SECTION 30. IC 25-26-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board may:

- (1) ~~promulgate~~ **adopt** rules ~~and regulations~~ under IC 4-22-2 for implementing and enforcing this chapter;
- (2) establish requirements and tests to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications for applicants for pharmacists' licenses;
- (3) refuse to issue, deny, suspend, or revoke a license or permit or place on probation or fine any licensee or permittee under this chapter;
- (4) regulate the sale of drugs and devices in the state of Indiana;
- (5) impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines, chemicals, poisons, or devices

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which by inspection are deemed unfit for use or would be dangerous to the health and welfare of the citizens of the state. ~~of Indiana~~; The board shall follow those embargo procedures found in IC 16-42-1-18 through IC 16-42-1-31. ~~and persons~~ **No person** may ~~not~~ refuse to permit or otherwise prevent members of the board or ~~their~~ **its** representatives from entering such places and making such inspections;

(6) prescribe minimum standards with respect to physical characteristics of pharmacies, as ~~may be~~ necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public;

(7) subject to ~~IC 25-1-7~~, **IC 25-1-7.5**, investigate complaints, subpoena witnesses, **and** schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board;

(8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations which shall be given at least twice annually; and

(9) perform such other duties and functions and exercise such other powers as ~~may be~~ necessary to implement and enforce this chapter.

(b) The board shall adopt rules under IC 4-22-2 for the following:

(1) Establishing standards for the competent practice of pharmacy.

(2) Establishing ~~the~~ standards for a pharmacist to counsel individuals regarding the proper use of drugs.

(c) The board may grant or deny a temporary variance to a rule it has adopted if it:

(1) ~~the board~~ has adopted rules which set forth the procedures and standards governing the grant or denial of a temporary variance; and

(2) ~~the board~~ sets forth in writing the reasons for a grant or denial of a temporary variance.

SECTION 31. IC 25-26-13-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) The board shall establish appropriate fees to carry out this chapter.

(b) All fees are nonrefundable. A receipt shall be issued for all fees and fines submitted.

(c) **Except as provided in subsection (g),** all fees collected under this section ~~shall must be transferred to the treasurer of state and deposited in the general health professions investigation fund of the state.~~ **established by IC 25-1-7.5-24.**

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(d) The board shall adopt rules to establish fines for violation of an article listed in IC 25-26 or a rule adopted under ~~IC 25-26-13-4~~, **section 4 of this chapter**, IC 25-26-14-13 or IC 35-48-3-1.

(e) A fine collected by the board shall be ~~transferred to the treasurer of state and~~ deposited in the **state general health professions investigation fund established by IC 25-1-7.5-24**.

(f) No fine established under subsection (d) shall be less than twenty-five dollars (\$25).

(g) At the time of license renewal, ~~each a licensed~~ pharmacist shall pay a renewal fee, a part of which shall be used for the rehabilitation of impaired pharmacists. Notwithstanding subsection (c), the lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired pharmacists account of the state general fund established by section 30 of this chapter:

(1) Sixteen percent (16%) of the license renewal fee for each license renewed under this section.

(2) The amount per license needed to operate the impaired pharmacists program, as determined by the health professions bureau.

SECTION 32. IC 25-26-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board may adopt rules under IC 4-22-2 to:

(1) implement and enforce this chapter;

(2) set fees under IC 25-1-8; and

(3) establish education and training requirements for certification to practice as a pharmacy technician.

(b) The board shall:

(1) establish standards for the competent practice of pharmacy technicians; and

(2) subject to IC 4-21.5, ~~IC 25-1-7~~, **IC 25-1-7.5**, and IC 25-1-9, conduct proceedings on any matter under the jurisdiction of the board.

SECTION 33. IC 25-29-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The board may initiate an investigation or a disciplinary proceeding based on information that is collected under this chapter, **or file a complaint subject to the requirements of IC 25-1-7.5**.

SECTION 34. IC 25-29-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. If after a physical or mental examination under IC 25-1-9-7 and a hearing **or after an investigation and recommendation to the board under IC 25-1-7.5-17**, the board determines that a podiatrist is impaired from

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practicing podiatric medicine with reasonable skill and safety because of a mental illness, a physical illness, or an excessive use or habitual abuse of a controlled substance (as defined in IC 35-48-1-9) or alcohol the board may impose any of the following, singly or in combination:

- (1) Require the podiatrist to submit to care, counseling, or treatment that is acceptable to the board.
- (2) Suspend, limit, or restrict the podiatrist's license for the duration of the impairment.
- (3) Revoke the podiatrist's license.

SECTION 35. IC 25-32-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The members of the board shall ~~annually~~ elect **annually** from their number a chairman and vice chairman.

(b) The board shall supervise the enforcement of the provisions of this chapter and possess the necessary authority to fulfill its duties as prescribed in this chapter. The board may utilize on a full or part-time basis ~~such~~ employees ~~as are~~ necessary to maintain records, pertinent to the examination and registration of environmental health specialists, or to assist in any manner in the performance of duties as required under the chapter. The board may also utilize the staff of the health professions bureau.

(c) Subject to ~~IC 25-1-7~~, **IC 25-1-7.5**, the board may hold hearings for the purpose of administrative adjudication of ~~such~~ matters as may properly come before it, make the necessary determinations, and issue ~~such~~ orders ~~as may be~~ consistent with the findings.

(d) The board may establish the procedures for conducting examinations and for obtaining the certificates and permits required by this chapter and methods by which the qualifications of an applicant shall be evaluated.

(e) The board may adopt reasonable rules to carry out and enforce the provisions of this chapter. The board shall adopt rules establishing standards for the competent practice of an environmental health specialist.

(f) The board shall issue a certificate of registration, upon the payment of the registration fee set by the board, to any applicant, who in the opinion of the board has satisfactorily met all requirements of this chapter.

(g) The board shall meet at least once a year to transact necessary business. Four (4) members of the board constitute a quorum. Special meetings of the board may be called by the chairman or shall be called upon written request of any three (3) members of the board. A majority of a quorum may transact business.

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(h) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). ~~Such a~~ The member is also entitled to reimbursement for traveling expenses **as provided under IC 4-13-1-4** and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses **as provided under IC 4-13-1-4** and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 36. IC 25-32-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. All registration fees and other fees and charges collected under this chapter ~~shall~~ **must** be deposited ~~with the state treasurer. The state treasurer shall deposit~~ amounts so received by him in the ~~general health professions investigation~~ fund of the state. ~~As established by IC 25-1-7.5-24.~~ Expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made ~~therefor~~ in the manner provided by law. ~~for the making of such appropriations.~~

SECTION 37. IC 25-33-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is created ~~a board to be known as~~ the state psychology board. The board ~~shall~~ **consist** ~~consists~~ of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must ~~in no way~~ **not** be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years ~~At members and~~ may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The **appointed** member ~~so appointed~~ shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). ~~Such a~~ The member is also entitled to reimbursement for traveling expenses **as provided under IC 4-13-1-4** and other expenses actually incurred in connection with the member's duties as provided in the state travel

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1 policies and procedures established by the **Indiana** department of  
2 administration and approved by the ~~state~~ budget agency.

3 (b) The members of the board shall ~~organize by the election of elect~~  
4 a chairman and a vice chairman from among its membership. ~~Such~~  
5 Officers shall serve ~~for~~ a term of one (1) year. The board shall meet at  
6 least once in each calendar year and on ~~such~~ other occasions as it  
7 considers necessary and advisable. A meeting of the board may be  
8 called by its chairman or by a majority of the members on the board.  
9 Four (4) members of the board constitute a quorum. A majority of the  
10 quorum may transact business.

11 (c) The board is empowered to do the following:

12 (1) Establish reasonable application, examination, and renewal  
13 procedures and set fees for licensure under this article. ~~However,~~  
14 No fee collected under this article shall ~~under any circumstances,~~  
15 be refunded.

16 (2) Adopt and enforce rules concerning assessment of costs in  
17 disciplinary proceedings before the board.

18 (3) Establish examinations of applicants for licensure under this  
19 article and issue, deny, suspend, revoke, and renew licenses.

20 (4) Subject to ~~IC 25-1-7,~~ **IC 25-1-7.5**, investigate and conduct  
21 hearings upon complaint against individuals licensed or not  
22 licensed under this article concerning alleged violation of this  
23 article, under procedures conducted in accordance with IC 4-21.5.

24 (5) Initiate the prosecution and enjoinder of any person violating  
25 this article.

26 (6) Adopt rules ~~which are~~ necessary for the proper performance  
27 of its duties, in accordance with IC 4-22-2.

28 (7) Establish a code of professional conduct.

29 (d) The board shall adopt rules establishing standards for the  
30 competent practice of psychology.

31 (e) All expenses incurred in the administration of this article shall  
32 be paid from the general fund upon appropriation. ~~being made in the~~  
33 ~~manner provided by law for the making of such appropriations.~~

34 (f) The bureau shall do the following:

35 (1) Carry out the administrative functions of the board.

36 (2) Provide necessary personnel to carry out the duties of this  
37 article.

38 (3) Receive and account for all fees required under this article.

39 (4) Deposit fees collected ~~with the treasurer of the state for~~  
40 ~~deposit in the state general health professions investigation fund~~  
41 **established by IC 25-1-7.5-24.**

42 (g) The board shall adopt rules under IC 4-22-2 to establish,

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maintain, and update a list of restricted psychology tests and instruments (as defined in section 14(b) of this chapter) containing ~~those~~ psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than:

- (1) a psychologist licensed under IC 25-33-1-5.1;
- (2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);
- (3) a qualified physician licensed under IC 25-22.5;
- (4) a school psychologist who holds a valid:
  - (A) license issued by the professional standards board under IC 20-1-1.4-2; or
  - (B) endorsement under IC 20-1-1.9;
- practicing within the scope of the school psychologist's license or endorsement; or
- (5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.

(h) The board shall provide to:

- (1) the social work certification and marriage and family therapists credentialing board; and
- (2) any other interested party upon receiving the request of the interested party;

a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.

(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:

- (1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and
- (2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of

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restricted tests and instruments.

(j) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

- (1) license or certification; and
- (2) training or credentials.

SECTION 38. IC 25-34.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person who violates this chapter commits a Class B misdemeanor. In addition to any other penalty imposed for a violation of this chapter, the board **and the director of the health professions investigation division under IC 25-1-7.5-20** may, ~~in the name of the state of Indiana through the attorney general,~~ **prosecuting attorney of the county in which the violation has occurred,** petition a circuit or superior court to enjoin the person who is violating this chapter from practicing respiratory care in violation of this chapter.

SECTION 39. IC 25-35.6-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The board:

- (1) shall administer, coordinate, and enforce this article;
- (2) shall evaluate the qualifications and supervise the examinations of applicants for licensure under this article;
- (3) may issue subpoenas, examine witnesses, and administer oaths; and
- (4) shall, at its discretion, investigate allegations of practices violating this article, subject to ~~IC 25-1-7.~~ **IC 25-1-7.5.**

(b) The board shall adopt rules under IC 4-22-2 relating to professional conduct commensurate with the policy of this article, including rules that establish standards for the competent practice of speech-language pathology and audiology. Following their adoption, the rules govern and control the professional conduct of every person who holds a license to practice speech-language pathology or audiology in this state.

(c) The board shall conduct the hearings and keep the records and minutes necessary for the orderly dispatch of its functions. The board shall ~~have~~ **provide** notice ~~provided~~ to the appropriate persons in a manner it considers appropriate of the times and places of ~~all~~ hearings authorized by this subsection. Approval by a majority of a quorum of the board is required for ~~any~~ action to be taken in actions for revocation or suspension of a license issued under this article.

(d) The board may adopt rules under IC 4-22-2 to:

- (1) administer or enforce this article;
- (2) register persons in the process of fulfilling the clinical

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experience required for a license under this article;  
 (3) establish fees in accordance with IC 25-1-8-2; and  
 (4) register speech-language pathology and audiology aides and  
 establish rules governing the duties of aides.

(e) The conferral or enumeration of specific powers elsewhere in  
 this article shall not be construed as a limitation of the general  
 functions conferred by this section.

SECTION 40. IC 34-18-9-4 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The medical  
 review panel (as described in IC 34-18-10) shall make a separate  
 determination, at the time that it renders its opinion under  
 IC 34-18-10-22, as to whether the name of the defendant health care  
 provider should be forwarded to the appropriate board of professional  
 registration for review of the health care provider's fitness to practice  
 the health care provider's profession. The commissioner shall forward  
 the name of the defendant health care provider if the medical review  
 panel unanimously determines that it should be forwarded **to the  
 health professions investigation division (IC 25-1-7.5)**. The medical  
 review panel determination concerning the forwarding of the name of  
 the defendant health care provider is not admissible as evidence in a  
 civil action. ~~In each case involving review of a health care provider's~~  
~~fitness to practice forwarded under this section, the appropriate board~~  
~~of professional registration and examination may, in appropriate cases,~~  
 take the following disciplinary action:

- (1) ~~censure;~~
- (2) ~~imposition of probation for a determinate period;~~
- (3) ~~suspension of the health care provider's license for a~~  
~~determinate period; or~~
- (4) ~~revocation of the license.~~

(b) ~~Review of the health care provider's fitness to practice shall be~~  
~~conducted in accordance with IC 4-21-5.~~

(c) ~~(b)~~ The appropriate board of professional registration and  
 examination shall report to the commissioner the board's findings, the  
 action taken, and the final disposition of each case involving review of  
 a health care provider's fitness to practice forwarded under this section.

SECTION 41. IC 34-30-15-11 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. If a waiver of the  
 privilege is executed on behalf of the peer review committee in favor  
 of the ~~attorney general~~ **health professions investigation division**, for  
 the purpose of conducting an investigation under ~~IC 25-1-7,~~  
**IC 25-1-7.5**, the records of, determinations of, or communications to  
 a peer review committee are confidential and privileged under this

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section, except for the ~~attorney general's~~ **health professions investigation division's** use in an investigation to identify information otherwise discoverable or admissible from original sources under section 3 of this chapter.

SECTION 42. IC 34-30-15-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. This chapter does not prevent the ~~attorney general~~ **health professions investigation division** from obtaining by subpoena as part of an investigation under ~~IC 25-1-7~~ **IC 25-1-7.5** for a violation under IC 25-1-9:

(1) the application for privileges or employment completed by the professional staff member under investigation regardless of whether the member is the subject of peer review committee proceedings;

(2) except for reports prepared as part of a peer review investigation, incident reports prepared contemporaneously to document the circumstances of an accident or unusual occurrence involving a professional staff member regardless of whether the member is the subject of peer review committee proceedings; or

(3) information otherwise discoverable from original sources, that is not the communications to, records of, or determinations of a peer review committee;

from a professional health care provider.

SECTION 43. IC 34-30-15-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. A subpoena issued by:

(1) the attorney general to obtain the records necessary ~~to~~ **for a prosecution; or**

(2) **the health professions investigation division to obtain records necessary for an investigation; shall**

**must** identify with reasonable particularity the documents sought and the specific professional health care provider under investigation.

SECTION 44. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding IC 25-1-7.5, as added by this act, the attorney general shall receive, investigate, and prosecute the complaints that are filed before November 1, 2005, against a person in a regulated occupation as defined in IC 25-1-7.5-7, as added by this act.**

(b) **Notwithstanding IC 25-1-7.5, as added by this act, the health professions investigation division may not accept or investigate a complaint filed before November 1, 2005.**

(c) **Notwithstanding IC 25-1-7, as amended by this act, or IC 25-1-7.5, as added by this act, the attorney general shall complete the investigation and prosecution of any complaint filed**

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1 before November 1, 2005, using the procedures under IC 25-1-7,  
2 before its amendment by this act.

3 (d) Notwithstanding any other law, all fees, civil penalties, and  
4 assessments collected by the health professions bureau or a board  
5 as defined by IC 25-1-7.5-1, as added by this act, must be deposited  
6 in the health professions investigation fund established by  
7 IC 25-1-7-24, as added by this act.

8 (e) This SECTION expires November 1, 2006.

9 SECTION 45. [EFFECTIVE UPON PASSAGE] (a) Not later than  
10 July 1, 2005, the Indiana department of administration shall  
11 provide adequate office space for the health professions  
12 investigation division.

13 (b) This SECTION expires July 1, 2006.

14 SECTION 46. An emergency is declared for this act.

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